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VOL. V—NO. II.

PROVO CITY, UTAH, SATURDAY, FEBRUARY 28, 1891.

PRICE FIVE CENTS.

BEFORE JUDGE BLACKBURN

The Grand Jury Ignores a Number of Cases.

John Steele, of Coshen, Found
Culprit of Fornication With
Martha Jensen.

The Jorgensen Unlawful Co-
habitation Case Occupies
the Courts' Attention.

On Wednesday afternoon, on the re-assembling of court, Judge Blackburn, who the day before pleaded guilty to murder in the second degree for the killing of Heber Fullmer, was brought before the bar for sentence.

Judge Blackburn then inquired of the prisoner whether he had anything to say why the sentence of the Court should not be pronounced upon him for the crime to which he had pleaded guilty. He made no response, except to look at his counsel. Attorney George Sutherland, replied to the Court that he desired to make a statement of the case from the defendant's standpoint. The day the killing had occurred Mulberry had come down the canyon to Clear Creek, early in the morning, bringing with him his gun, as he thought he might come across game on the road down. Arriving at the town he commenced drinking and kept it up. He remembered shooting at a mark and drinking out of a bottle, but did not remember the killing. While he appeared to be steady on his feet it was clear that his reason was gone. There was no deliberation or premeditation. After the killing Mulberry had wandered into the mountains and slept out all night and then gone straight into the camp of the murdered man's brother, where he was first apprised of the terrible deed he had committed. He then gave himself up immediately, and since his confinement had behaved excellently well. He would have the defendant sworn and examined if the Court or the District Attorney desired it.

District Attorney Varian said he thought it was a very close case of murder in the first degree. Mulberry was a dangerous man, and there was no telling but it turned loose to-morrow that his evil passions would not murder him and whisky turn him into a wild beast. He thought a man with such homicidal tendencies ought to be confined.

The Court said that while whisky was so easily gotten, and there was no way to close the whisky shops, it was clearly dangerous for such men as Mulberry to be at large. They must be shut up. The killing was a brutal one. The defendant was doing a good deed. He was shot.

The man-sorry that he had to confine him, but the Court had a duty to perform. The sentence of the Court would be that the defendant be confined in the penitentiary for twenty years at hard labor.

At the conclusion of the proceedings Mulberry's face brightened perceptibly, the sentence being evidently as favorable to him as he could possibly have had hope to expect. He was taken to the penitentiary on the 423 northbound train the same afternoon.

THURSDAY.

Court convened at 10 o'clock. G. E. Barnson was arraigned and pleaded not guilty to the charge of unlawful cohabitation.

Dubois, the defendant in the shooting affray, was found guilty and stated that he was ready for sentence. His Honor imposed a fine of \$200.00 and costs.

The case of E. W. Jones, charged with felony, was called. J. W. Judd appeared for the defense, while C. S. Varian represented the People.

Mr. Judd argued a demurrer to the complaint, which was overruled. On motion of counsel on each side, the case was continued until Tuesday next.

The Jorgensen unlawful cohabitation case was then taken up.

Christine Jorgensen was the first witness. Am married; my husband is James Jorgensen; reside at Fountain Green; have lived there several years.

Francis Filly: I am the wife of defendant; between October, 1885, and September, 1888, lived at Coshen; have a family of children; the defendant is the father of the oldest child is 13 years, and the youngest 6 years; my husband has not lived with me for six years; after his return from a mission I went to the reception; did not see him while there. His other wife goes by the name of Hannah Neilson; I go by the name of Francis Filly.

To King: Have home and property of my own; I was transferred to me by Mr. Jorgensen, before he left on his mission; I support myself; there was an agreement entered into between me and myself, whereby we were to keep the law; have not recognized him as my husband since this agreement was entered into.

Varian: Was you married to him for time and eternity?

Objected to. Objection overruled, and the witness answered "yes."

Hannah Neilson took the stand; I live at Fountain Green; married Jorgensen seven years ago; when we separated I went to Salt Lake; have no family now; had one child; it died. I support myself, and have my own home.

Maria Olsen was sworn when the Court took a recess at 1:30.

RECESS.

Maria Olsen testified. Married the defendant ten years ago; since 1885 have lived apart from him; have two children, the youngest is six years of age; was at reception tendered Jorgensen after his return from a mission; have not been near him since; support myself and believe I am free to marry again.

G. W. Ivory stated that he knew the defendant, and the women alleged to be his wives; remembered his going on a mission in 1885; since his return have not seen him with any of his wives.

Miss Jorgensen: Am defendant's daughter; he resides at my mother's house; the other women named as his wives visit us occasionally; they are not now spoken of, or known as his wives.

This closed the evidence and Mr. King asked that the judge instruct the jury to return a verdict of not guilty, which was done, and the defendant was discharged.

FRIDAY.

The grand jury entered court and reported five indictments, and the following cases ignored: John Dillion, assault; Henry Cole, assault; John Quarnberg, unlawful cohabitation; William Kay, grand larceny; John W. Hill, unlawful cohabitation, and Henry Erickson, larceny.

The case of John S. Steele, fornication, was then called. King prosecuted and Dudley defended.

Martha Jensen took the stand; I reside at Coshen; live with my parents; am 19 years of age; am unmarried; know John Steele; he has lived in Coshen ever since I was 13 years of age; don't believe he is married; told me he had been married twice, but had been divorced from both women; was engaged to him in July last; began keeping company with him May; my mother objected to me keeping company with him while going with him, had no other escort; am now in the family way; Steele is the father of the child unborn; our intimate relation began in July and lasted for a month; called on me very frequently during August; we were to be married in July, but some trouble occurred between his former wives which prevented the marriage; I told Steele the condition I was in in reply said he'd get work and then marry me; he tried to persuade me to take some oil of tansy; this was about January 1st. Mr. Steele came to our house and stated it was a tough case for both of us. I then asked him to marry me, and he said that death would be his if he married me; I then asked him for support. Said he'd wait developments. He came again and tried to compromise; told him the only way that he could do it was to marry me. He still refused. He had another lady with him, from some other town, whom he said he'd married in July.

Mrs. Jensen: Am mother of Martha; Steele was at my house three times in July; my daughter was there; one night he brought her home from a party I objected to my daughter going with him; I first noticed my daughter in the family way on New Year's day. Sent for Mr. Steele and he stated that nothing was the matter with her. Told him I knew there was something the matter with her, and my daughter asked him why he did not keep his word and marry her; he refused, and stated that the child was all right and that it was not yet time to think of support. He came after that for the purpose of compromising, but my daughter stated that nothing could be done unless he married her.

To Dudley: Never saw my daughter and Steele together alone; he stood outside the house, with her, one evening about 12 o'clock, after a dance; I heard his voice; I told my daughter not to go with him any more, and when she went, I was at Jensen's house when Steele was there, and heard him say to Martha: "What is the story you are getting out of this?" Heard Martha tell him it was no story, but the truth.

His testimony corroborated that of the other witness.

Mr. Jensen, brother of Martha, testified to the same conversation which took place between Steele and Martha (Steele) called to fix matters up, and stated that he was married. On investigation I found out he wasn't married, but would be ere long.

A young boy stated he had seen Steele and Martha out together on one occasion last August.

Wm. Daniels, testified to seeing Steele coming from Jensen's house, cross-street; saw him jump on his horse and ride away; it was seven months ago; was not positive about it being Steele.

John Steele, the defendant, then took the stand and testified: Have lived in Coshen since I was eight years old; know Martha Jensen; was in Platte in July, about the 30th; stayed eight days hunting horses. Called at Martha's house in July to see Martha's brother; have not been to see Martha since I was accused of this act; was first accused of the act on New Year's Day; was called to Jensen's house; I stated that I was not married; I went to the house and saw Martha; she was fixed up nicer than usual; she accused me of the crime; I denied it; never walked with her or had intimate relation with her. Told her I'd give \$50 to tell the guilty one.

Two of Steele's brothers testified and corroborated their brother's testimony. The Court then took recess until 2 o'clock.

AFTERNOON.

The Steel fornication case occupied most of the afternoon session, being submitted to the jury at 4 o'clock.

William Howard was arraigned on the charge of unlawful cohabitation. He took until morning to enter a plea.

J. L. Osborn, of Sanpete county, was admitted to the bar.

N. L. Nelson was dismissed on motion of Jacob Johnson.

SATURDAY.

The jury in the case of the United States vs. John Steele, of Coshen, charged with fornication, returned a verdict of guilty. He was sentenced to pay a fine of \$100 and costs.

The grand jury reported two indictments, and ignored the following: Jacob Burgess, unlawful cohabitation; H. H. Jacobs, grand larceny; Morgan Moore, grand larceny; Geo. C. Whitmore, et al, riot.

The petty jurors were excused until Monday at 10 o'clock.

John Chew was arraigned on a charge of grand larceny and pleaded not guilty.

Adjournment was taken until Monday morning at 10 o'clock.

The World Enriched.

The facilities of the present day for the production of everything that will conduce to the material welfare and comfort of mankind are almost unlimited and when Syrup of Figs was first produced the world was enriched with the only perfect laxative known, as it is the only remedy which is truly pleasing and refreshing to the taste and prompt and effectual to cleanse the system gently in the Spring time or, in fact, at any time and the better it is known the more popular it becomes.

A VALUABLE REPORT

Regarding the Irrigation Interests of the West End.

As Submitted to the City by
Deputy Watermaster
Walter Scott.

Suggestions made in regard
to the Sanitary Effect of
Artesian Wells.

The report of Deputy Watermaster Walter Scott, of the West Irrigation District of Provo City, for the year ending December 31, 1890, recently submitted to Watermaster T. E. Thurman, contains considerable interesting material. The report is made out in accordance with the ordinances of Provo City on the subject, Mr. Scott says:

"I have numbered all irrigating ditches in the district over which the city has control, as follows: All ditches are designated by the name of the street upon which they are located. Those located on the south and west sides of said street are designated as number one, those located on the north and east side as number two. Example: 'Ditch No. 1 on A street, and ditch No. 2 on A street.' I have issued certificates to each person entitled to the use of water, and recorded the same; and while doing this I have found that there exists a great inequality in the tax assessed on city lots and land. I find also that nearly all the land adjoining the city limits require as much water and as often as city lots do, while the land is only assessed one fourth the amount of tax that the lots are. Wherefore, I would recommend that the tax assessed on each acre of land be equal to that assessed on each lot.

The machinery run by water power in the district has not required any more water during irrigation season than was necessary to supply the irrigation below, yet it has cost about fifty per cent, more to furnish water for the machinery on the city race than their tax amount to.

The water supply for the district during the year has been sufficient to maintain the crops, except that part irrigated from the Tanner race and this insufficiency was caused by parties floating ties in the river at the head of the race, and by parties interfering with the dam and gates, and taking the water out of the land west of the race over which the city has no control. To avoid this trouble for the future I would recommend that the city take control of all the waters of the Tanner race, and have the same regulated as the city's regulations.

There is in the district twenty-one irrigating ditches, which require about twenty-one average irrigating seasons, fourteen of which are obtained from Provo river, five through the Tanner race, seven through the city race, and two through the Tanner race. The other seven are irrigated from seventy-one artesian wells which have been sunk by private parties, at a probable total cost of \$50,000.00. These wells are mostly located in the south half of the district, and from one to nine feet below the surface of the ground. They supply one-third of the water used for irrigation and furnish most of the water during winter season for domestic purposes, besides keeping the water ditches from overflowing during the winter months. I find also that these wells increase the expense of keeping the ditches in repair.

The water from these wells being warm, causes the moss to accumulate to the extent that it is necessary to clean and repair the ditches at least twice each year. Many of these wells, in my opinion, is very prejudicial to the health of our city. The water is warm, and the bad odors arising therefrom come from an old stagnant slough, and it is allowed to stand in stagnant pools and ditches, accumulating the moss and filth, and filling the air with poisonous vapors, as also befouling the water that many people have to use for domestic purposes. To provide a remedy for the bad condition of many of these wells and ditches, I would suggest that some strict regulations be put in operation that would require each owner of any such well to convey the water from his well to the public ditch by means of a pipe, box or narrow channel, and repair the same so that the water would run off readily, and that every person be restricted from throwing refuse from their houses and yards into any of the ditches. All public ditches should be kept clean, and all dams and gates repaired as rapidly as possible through the city.

I have collected all the water taxes that I could in labor, and applying the same in cleaning and repairing the ditches of the district, yet many of the ditches, dams and gates are not in as good condition as they should be, owing to the taxpayers not paying their taxes in labor in the proper season. The taxes do not become delinquent until the proper time for cleaning and repairing the ditches, and the city is put to a great inconvenience and disadvantage thereby. To remedy this the ordinance should be amended so that the tax would become delinquent ten days after the notice to pay said taxes in labor.

The railroad bridges over the ditches on E and D streets are constantly so low that they obstruct the flow of water, and cause it to overflow the streets and adjacent property. I would suggest that the city take such action in the matter that will require said obstructions to be removed forthwith, and also to cause the culverts under said railroads on B and C streets to be repaired and made so that the waters can flow through.

Deputy Watermaster Scott appends to his report a table showing the name and status of each ditch in the west end of Provo. From this table we glean the fact that there are over 30 miles of ditch, 71 artesian wells, 5394 lots irrigated, 7364 acres of land irrigated, three machines run by water. The tax assessed was \$389.50 on lots, \$385.25 on land, and \$35 tax on machines, making a grand total of

taxes assessed, \$809.75. The total cost of keeping these ditches clean and in repair was \$474.50, while the cost of constructing a new ditch was \$152; cost of collecting tax, distributing water and superintending repairing ditch, \$175; making a total cost of \$807.50.

BUNGLING SPECTACLE.

Revolted Scenes at a
Penn. Execution.

The Condemned Man Slowly
Strangled Before the As-
sembled Crowd.

WASHINGTON, Pa., Feb. 28.—The execution of William West in the jail yard at this place to-day, for the murder of three members of the Crouch family, was an awful affair. This morning the condemned man, who had secured in some manner a sharp piece of iron, plunged it several times into his throat. When found he was unconscious from loss of blood. After several hours' work the doctors succeeded in rousing him from his comatose condition.

Outside the jail all was excitement, as there were many negroes who fully believed that West was innocent. Weak as he was, he made a desperate fight when the sheriff's party entered the cell. Finally it was decided to administer ether. Even then he struggled so fearfully that they finally determined to strap him to a board. An ugly fight followed an attempt to bind him, and more opiates were administered, until he was finally carried out, helpless and half unconscious, to the gallows.

When the trap was finally sprung the combined weight of the plank and man was too much for the rope and it broke, hurling West to the ground and a great groan from the crowd.

West was awakened from his stupor by the shock, and realizing what had happened, struggled fearfully to free himself. The groaning, writhing man was picked up by the death-watch and carried back to the gallows and again launched into space. The fall this time widened the gashes in his throat and the blood streamed in great jets from his neck. His neck was not broken, and he was allowed to hang thirty-five minutes before cut down.

A NEW COMPANY.

The Brigham Young Trust Company
File Articles of Incorporation.

The Brigham Young Trust Company on Tuesday filed articles of incorporation. The object of the corporation is to engage in real estate and other business. The capital stock, \$500,000, is divided into 5,000 shares of the par value of \$100 each.

The officers of the company are: President, George W. Cannon; vice-president, Brigham Young; secretary, Edward W. Young; treasurer, Spencer Clawson; board of trustees for ten years: George W. Cannon, Brigham Young, Joseph D. C. Young, Heber Young, Oscar B. Young, Richard Thatcher, Spencer Clawson, Isaac A. Young, Hiram B. Clawson, John D. Spencer, Leonard G. Hardy, John W. Young, Brigham Morris Young, Phineas H. Young, Charles S. Burton, Isaac A. Young, Charles O. Carr, Hyrum S. Clayton, Charles C. Young and Jacob Gates.

The stockholders and the number of shares of stock held by each of them are as follows: Emily A. Y. Clawson 15, Richard W. Young 15, Brigham Young 15, John Willard Clawson 43, Geo. H. Clawson 43, Walter S. Clawson 43, Luna Y. Thatcher 17, George W. Thatcher 17, John W. Young 172, Heber Young 172, Fannie C. Y. Thatcher 172, Sybella W. Clayton, guardianship, 108, Sybella W. Clayton 60, Shamira Y. Foster 171, Wm. A. Rossett 1, Hyrum S. Young 86, Lewis S. Hills 86, Lucy A. D. Young 172, Clarissa H. Y. Spencer 171, John D. Spencer 1, Emily A. Y. Clawson 171, Hiram B. Clawson 171, Wm. A. Rossett 1, Joseph D. C. Young 172, Miriam Y. Hardy 171, Leonard G. Hardy 1, Josephine Young 171, Albert C. Young 1, Jeannette R. Y. Smith 172, Nabbe H. Y. Clawson 171, Spencer Clawson 171, Charlotte T. Young 172, Susan Y. Gates 171, Jacob F. Gates 171, Rhoda M. Y. Witt 172, Brigham Morris Young 172, Zina P. Y. Card 171, O. Card 1, Oscar B. Young 172, Phineas H. Young 172, Fannie Y. Clayton 171, Isaac A. Clayton 1, Charles S. Burton 172, Spencer Clawson, trustee, 329.

An Interesting Celebration.

MIDWAY, WASATCH CO., Utah, Feb. 28, 1891.—[Special to THE DISPATCH].—Notwithstanding very inclement weather and bad roads the meeting-house was comfortably filled on Monday afternoon, when under the canopy of the Stars and Stripes the birthday of Washington was adequately celebrated with an interesting program by the scholars under Principal A. Wootton and his associates. The exercises of the boys and girls were varied, both musical and recitative, interspersed with happy humor. Bishop Van Wagener also sang a patriotic song. There were about fifteen pieces rendered by the juvenile, adolescent and adult performers. It was the first general celebration of the day in this ward and a success. L. H.

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OPINIONS OF THE PRESS

Of the Recent Move to Break Up
the Old Party Lines in
this Territory.

Time will tell whether the new departure was for the best, as we most sincerely believe. We know that truth must triumph.—Ogden Standard.